

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1881

Introduced by Assembly Member Jones-Sawyer

February 19, 2014

An act to amend Section 130 of the Health and Safety Code, relating to health care services; 3509 of the Government Code, relating to public employee relations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1881, as amended, Jones-Sawyer. ~~Publicly funded health care services.~~ *Public employee relations: Los Angeles.*

Existing law, the Meyers-Milias-Brown Act, regulates labor relations between employees and management of local public agencies. Existing law grants the Public Employment Relations Board (PERB) specified powers and duties in connection with the act, including making unit determinations in disputed cases and supervising representation elections. Existing law excepts the County of Los Angeles and the City of Los Angeles from the PERB grant of authority, providing instead that the employment relations commissions in those jurisdictions are responsible for those functions.

This bill would prescribe requirements for an appointment to an employee relations commission of the County of Los Angeles or of the City of Los Angeles. The bill would require a nomination to be made within 30 days, as specified, from a list of nominees to be determined by the chief executive officer of the County of Los Angeles or by the chief administrative officer of the City of Los Angeles, as applicable, and a committee composed of employee organizations. The bill would require an appointee to have at least 5 years of full-time experience as

a professional neutral party resolving disputes between employee organizations and public agencies or resolving disputes between private employers and labor organizations. The bill would prohibit an appointee from consulting or providing representation or advice regarding employee relations to any public or private employer or public or private employee organization while serving on an employee relations commission. The bill would also prohibit the County of Los Angeles or the City of Los Angeles, in contracting for services with a commission member or hearing officer assigned to make determinations for a commission, from requiring indemnity agreements or malpractice insurance, as specified, or from withholding or reducing payment from the member or officer after services are provided. The bill would specify that these provisions may be enforced by an action for a writ of mandate. By establishing new duties on local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law imposes various functions and duties on the State Department of Health Care Services with respect to the administration and oversight of health programs and facilities, including publicly funded health care services.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3509 of the Government Code is amended
2 to read:

3 3509. (a) The powers and duties of the board described in
4 Section 3541.3 shall also apply, as appropriate, to this chapter and
5 shall include the authority as set forth in subdivisions (b) and (c).
6 Included among the appropriate powers of the board are the power

1 to order elections, to conduct any election the board orders, and
2 to adopt rules to apply in areas where a public agency has no rule.

3 (b) A complaint alleging any violation of this chapter or of any
4 rules and regulations adopted by a public agency pursuant to
5 Section 3507 or 3507.5 shall be processed as an unfair practice
6 charge by the board. The initial determination as to whether the
7 charge of unfair practice is justified and, if so, the appropriate
8 remedy necessary to effectuate the purposes of this chapter, shall
9 be a matter within the exclusive jurisdiction of the board, except
10 that in an action to recover damages due to an unlawful strike, the
11 board shall have no authority to award strike-preparation expenses
12 as damages, and shall have no authority to award damages for
13 costs, expenses, or revenue losses incurred during, or as a
14 consequence of, an unlawful strike. The board shall apply and
15 interpret unfair labor practices consistent with existing judicial
16 interpretations of this chapter.

17 (c) The board shall enforce and apply rules adopted by a public
18 agency concerning unit determinations, representation, recognition,
19 and elections.

20 (d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the
21 employee relations commissions established by, and in effect for,
22 the County of Los Angeles and the City of Los Angeles pursuant
23 to Section 3507 shall have the power and responsibility to take
24 actions on recognition, unit determinations, elections, and all unfair
25 practices, and to issue determinations and orders as the employee
26 relations commissions deem necessary, consistent with and
27 pursuant to the policies of this chapter. *An appointment to an*
28 *employee relations commission of the County of Los Angeles and*
29 *to the employee relations commission of the City of Los Angeles*
30 *shall be made in accordance with the following:*

31 (A) *The appointment shall be made from a list of nominees,*
32 *jointly submitted by the chief executive officer of County of Los*
33 *Angeles or by the chief administrative officer of the City of Los*
34 *Angeles, as applicable, and a committee composed of employee*
35 *organizations recognized by the County of Los Angeles or City of*
36 *Los Angeles, as applicable. The list shall be submitted to the*
37 *appointing authority within 30 calendar days before the expiration*
38 *of a member's term or before 30 calendar days have elapsed after*
39 *the creation of a vacancy that occurs during a member's term.*

1 (B) The appointing authority shall make the appointment on or
2 before 30 calendar days from the date that the list of nominees
3 described in subparagraph (A) is submitted to it.

4 (C) The appointee shall possess a minimum of five years of
5 full-time experience exclusively as a professional neutral party
6 resolving disputes between employee organizations and public
7 agencies or resolving disputes between private employers and
8 labor organizations.

9 (D) While serving on an employee relations commission, the
10 appointee shall not consult or provide representation or advice
11 regarding employee relations to any public or private employer
12 or public or private employee organization, but may act as a
13 professional neutral party in other capacities.

14 (2) In contracting for services with a commission member or
15 hearing officer assigned to make determinations for the
16 commission, the County of Los Angeles or the City of Los Angeles
17 shall not do either of the following:

18 (A) Require that the commission member or hearing officer
19 agree to indemnify or hold harmless the County of Los Angeles or
20 City of Los Angeles or maintain liability or malpractice insurance
21 for that purpose.

22 (B) Withhold or reduce payment for the services of the
23 commission member or hearing officer after services are rendered.

24 (3) This subdivision may be enforced by in an action brought
25 pursuant to Section 1085 of the Code of Civil Procedure.

26 (e) Notwithstanding subdivisions (a) to (c), inclusive, consistent
27 with, and pursuant to, the provisions of Sections 3500 and 3505.4,
28 superior courts shall have exclusive jurisdiction over actions
29 involving interest arbitration, as governed by Title 9 (commencing
30 with Section 1280) of Part 3 of the Code of Civil Procedure, when
31 the action involves an employee organization that represents
32 firefighters, as defined in Section 3251.

33 (f) This section shall not apply to employees designated as
34 management employees under Section 3507.5.

35 (g) The board shall not find it an unfair practice for an employee
36 organization to violate a rule or regulation adopted by a public
37 agency if that rule or regulation is itself in violation of this chapter.
38 This subdivision shall not be construed to restrict or expand the
39 board's jurisdiction or authority as set forth in subdivisions (a) to
40 (c), inclusive.

1 *SEC. 2. If the Commission on State Mandates determines that*
2 *this act contains costs mandated by the state, reimbursement to*
3 *local agencies and school districts for those costs shall be made*
4 *pursuant to Part 7 (commencing with Section 17500) of Division*
5 *4 of Title 2 of the Government Code.*

6 ~~SECTION 1. Section 130 of the Health and Safety Code is~~
7 ~~amended to read:~~

8 ~~130. (a) In order to carry out the intention of the people of~~
9 ~~California that, excepting emergency medical care as required by~~
10 ~~federal law, only citizens of the United States and aliens lawfully~~
11 ~~admitted to the United States may receive the benefits of publicly~~
12 ~~funded health care, and to ensure that all persons employed in the~~
13 ~~providing of those services shall diligently protect public funds~~
14 ~~from misuse, the provisions of this section are adopted.~~

15 ~~(b) A person shall not receive any health care services from a~~
16 ~~publicly funded health care facility, to which he or she is otherwise~~
17 ~~entitled, until the legal status of that person has been verified as~~
18 ~~one of the following:~~

19 ~~(1) A citizen of the United States.~~

20 ~~(2) An alien lawfully admitted as a permanent resident.~~

21 ~~(3) An alien lawfully admitted for a temporary period of time.~~

22 ~~(c) If a publicly funded health care facility in this state from~~
23 ~~which a person seeks health care services, other than emergency~~
24 ~~medical care as required by federal law, determines or reasonably~~
25 ~~suspects, based upon the information provided to it, that the person~~
26 ~~is an alien in the United States in violation of federal law, the~~
27 ~~following procedures shall be followed by the facility:~~

28 ~~(1) The facility shall not provide the person with services.~~

29 ~~(2) The facility shall, in writing, notify the person of his or her~~
30 ~~apparent illegal immigration status and that the person must either~~
31 ~~obtain legal status or leave the United States.~~

32 ~~(3) The facility shall notify the Director of Health Care Services,~~
33 ~~the Attorney General of California, and the United States~~
34 ~~Immigration and Naturalization Service of the apparent illegal~~
35 ~~status, and shall provide any additional information that may be~~
36 ~~requested by any other public entity.~~

37 ~~(d) For purposes of this section "publicly funded health care~~
38 ~~facility" shall be defined as specified in Sections 1200 and 1250~~
39 ~~as of January 1, 1993.~~

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